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November 29, 2022

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), Hogan Lovells US LLP (“Hogan Lovells”) requests information, as described in detail further below, from the United States Environmental Protection Agency (“EPA”), relating to EPA’s regulation of ethylene oxide.

Specifically, we request all records and information relating to the following:

1. Any communications between EPA and any other federal agency relating to ethylene oxide, including:
 - a. The Occupational Safety and Health Administration;
 - b. The Food and Drug Administration;
 - c. The Agency for Toxic Substances and Disease Registry; and
 - d. The US Department of Health and Human Services.
2. All communications between EPA and any state regulatory agency relating to ethylene oxide.

This FOIA request is not meant to be exclusive of any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request. With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), we request that responsive

documents be provided electronically in text-searchable, static-image format (PDF), in the best image quality in the agency's possession. We further request that reasonable metadata be transmitted along with responsive documents, including but not limited to email attachments, author and recipient information, date and time stamps, and the like. All requests for documents or records include requests for any written materials, any communications in any format, any digital information, any physical or electronic media, and any recordings, including audio and visual records. Communications include anything that communicates information, including emails, text messages, reports, correspondence and electronic files that communicate information.

We believe that these records are not exempt from disclosure. If EPA should deny access to any records covered by this request, however, please describe in detail each of those records and specify the statutory basis claimed for denial as well as any reasons for asserting that claim. Specifically, please provide an exemption log identifying each document for which the exemption is claimed, together with the following information: date, sender, recipient, type (e.g. letter, memorandum, telegram, chart, photograph, etc.), subject matter of the document, the basis on which exemption is claimed, and the paragraph or paragraphs of this request to which the document responds. As described above, FOIA provides that if only a portion of a record is exempt from release, all reasonably segregable portions shall be provided. Thus, if EPA asserts that a portion of a record that we have requested is exempt, please provide us with a copy of the remainder of the record and provide in the exemption log the information specified above for the portion being treated as exempt. If EPA asserts that the exempt portions cannot be reasonably redacted, please state in detail the reasons for that assertion.

Please provide the requested material at the earliest possible date, and, in any event, please provide as complete a response as possible to this request within the twenty (20) day period prescribed by FOIA. Please forward currently available records as soon as possible and others as they become available.

By codifying the presumption of openness through the FOIA Improvement Act of 2016, Congress has "put[] the force of law behind the notion that sunshine, not secrecy, is the default setting of our government." *See* Con. Rec. S3825 (daily ed. June 13, 2016 (statement of Sen. Leahy)). We look forward to receiving your response to this Request itself within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i) and 43 C.F.R. § 216(a). We reserve the right to appeal a decision to withhold any information, or to deny expedited processing or a waiver or limitation of fees.

Please furnish all responsive records electronically to:

Cristi Lynn Cavazos
cristi.cavazos@hoganlovells.com

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'BJ' followed by a long, sweeping horizontal line.

Blake Jenkins

Senior Associate
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D 713-632-1448